

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMANDA LANDIS, Personal
Representative for the Estate of Charles
Christopher Keiser, Deceased,

Plaintiff,

v.

GREG GALARNEAU,

Defendant.

Case No. 2:05-cv-74013

HONORABLE STEPHEN J. MURPHY, III

**ORDER DENYING PLAINTIFF'S MOTION
FOR A JURY QUESTIONNAIRE (docket number 114)**

Plaintiff moves to have the Court allow the use of a jury questionnaire, which plaintiff has supplied, to be provided and answered by the jury venire prior to jury selection. Plaintiff argues that case has been widely publicized and that it is an important case that involves an unusual combination of excessive force and issues of appropriate arrest procedures under circumstances of a water environment and Taser usage. Plaintiff argues that providing the questionnaire in advance to the jury venire and having them respond prior to jury selection will result in a shortened in court voir dire and a more sophisticated and satisfying method of selection beneficial to both parties. The defendant does not object to the plaintiff's proposed jury questionnaire.

Rule 47(a) of the Federal Rules of Civil Procedure permits the Court discretion to either examine potential jurors itself or to permit the parties or the attorneys to do so. If the court conducts the voir dire itself, it must permit the parties or their attorneys to make any further inquiry it considers proper or must ask any of the parties' additional questions that the Court finds proper. Fed. R. Civ. P. 47(a). The trial judge has broad discretion in

determining the methods and conduct of voir dire. *Ham v. South Carolina*, 409 U.S. 524, 527 (1973); *Thomas v. City of Cleveland*, 57 Fed. Appx. 652, 655 n. 3 (citing *Eisenhauer v. Burger*, 431 F.2d 833, 836 (6th Cir. 1970)). While the Court recognizes plaintiff's concern about such publicity as this case has received, the Court finds that these concerns can be adequately addressed with questions asked by the Court during voir dire, as is the Court's usual practice.

Wherefore, it is hereby **ORDERED** that plaintiff's motion for a jury questionnaire is **DENIED**. The parties shall submit proposed voir dire questions to the Court on or before Monday, February 1, 2010.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: January 29, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 29, 2010, by electronic and/or ordinary mail.

Alissa Greer
Case Manager